

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1402

In re: JERMAINE JERRELL SIMS, a/k/a Justice, a/k/a Jus,
Petitioner.

On Petition for Writ of Mandamus. (3:98-cr-00045-CMH-1)

Submitted: June 20, 2017

Decided: June 22, 2017

Before SHEDD, WYNN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jermaine Jerrell Sims, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Jerrell Sims petitions for a writ of mandamus seeking an order directing the district court, United States Attorney's Office, and the Federal Bureau of Investigation (FBI) to acknowledge allegedly exculpatory evidence Sims discovered after his conviction and to correct errors that led to his 1998 indictment for aiding and abetting bank robbery and related offenses. Sims also alleges that a witness gave false testimony during his trial. We conclude that Sims is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances where the petitioner "ha[s] no other adequate means to attain the relief he desires." *Kerr v. U.S. Dist. Court*, 426 U.S. 394, 402-03 (1976); *United States v. Moussaoui*, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. *In re First Fed. Sav. & Loan Ass'n*, 860 F.2d 135, 138 (4th Cir. 1988).

The relief sought by Sims is not available by way of mandamus. To the extent Sims seeks reversal of his conviction, mandamus may not be used as a substitute for appeal or collateral review. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007); *Kerr*, 426 U.S. at 403. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED